

## **FISCAL NOTE**

### **HB 2953 - SB 3520**

March 8, 2006

**SUMMARY OF BILL:** Expands the duties of judges of the Court of Appeals and the Supreme Court to require, among other things, each judge to prepare a draft opinion in each case in which the judge is a member of a panel hearing the case. Creates new procedural and decision-making requirements for appellate judges.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$5,168,000 Recurring  
\$960,000 One-Time**

##### Assumptions:

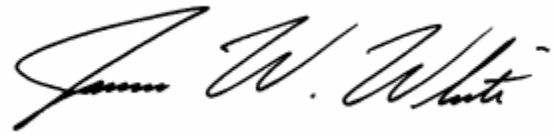
- The responsibilities and workload of judges of the Court of Appeals and the justices of the Supreme Court would significantly increase. Currently, one member of a three-member panel of the Court of Appeals prepares a draft opinion for review by other judges on the panel. Other judges may draft separate concurring or dissenting opinions. One justice of the five-member Supreme Court prepares a draft opinion for review by the other justices. Other justices may draft separate concurring or dissenting opinions. Among other new duties, this bill would require draft opinions to be prepared by each judge or justice hearing a case.
- There are 12 judges on the Court of Appeals. Tenn. Code Ann. § 16-4-101. This bill does not provide for any increase in the number of judges of the Court of Appeals. Article VI, Section 2 of the Constitution of Tennessee specifies that there will be five justices of the Supreme Court. The number of justices cannot be increased without a constitutional amendment. Therefore, the additional responsibilities and workload provided by this bill must be absorbed by the existing judges and justices.
- Each judge of the Court of Appeals currently has two law clerks. Each justice of the Supreme Court currently has two law clerks. The opinion-writing duties of each member of the Court of Appeals would substantially increase requiring an additional five clerks for each judge. The opinion-writing duties of each justice of the Supreme Court would

substantially increase, requiring an additional four clerks for each justice. A total of 60 additional clerks for the Court of Appeals and 20 additional clerks for the Supreme Court would be required.

- The cost of each additional clerk is \$63,700 in recurring salaries and benefits, \$900 in recurring supplies, and \$12,000 in one-time equipment costs. The total cost for 80 new clerks is \$5,168,000 in recurring and \$960,000 in one-time expenditures.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director